

Incident#
1016317

DCC Delaware Correctional Center
Smyrna Landing Road
SMYRNA DE, 19977
Phone#: 302-653-9261

Date: 02/09/2007

INCIDENT REPORT

Group#: <u>N/A</u>	Type: <u>Inmate Involved</u>	Incident Date: <u>10/09/2004</u>	Time: <u>09:00</u>	Confidential: <u>No</u>
Facility: <u>DCC Delaware Correctional Center</u>		Followup Required: <u>No</u>		
Associated Disciplinary Report #(s) <u>1013422</u>				
Incident Location: <u>Bldg. 17 B Tier</u>				
Location Description: <u>cell BU8</u>				
Violated Conditions: <u>1.02/200.201 Assault</u>				
<u>1.06/200.203 Disorderly or Threatening Behavior</u>				
<u>1.18/200.218 Possession of Dangerous Contraband</u>				
<u>2.03/200.106 Creating a Health, Safety or Fire Hazard</u>				
<u>2.06/200.108 Failing to Obey an Order</u>				
<u>2.13/200.111 Possession of Non-Dangerous Contraband</u>				
Description of Incident:				
<p>On Sept. 9, 2004 at 0900 hours Sgt Wallace, Robert and C/o Nkowpara, Edwin were conducting a strip search of Inmate Brathwaite, Kevin SBI#00315294. Inmate Brathwaite was ordered by Sgt Wallace to completely strip down. Inmate Brathwaite took off his shirt and shorts but as he got to his underwear a razor fell out of what appeared to be a pocket in the front of the underwear. Inmate Brathwaite gave the razor to Sgt Wallace and Sgt Wallace ordered inmate to take off his underwear. Inmate Brathwaite refused and stated to Sgt Wallace that he wasn't getting naked for Sgt Wallace to look at his ass. Sgt Wallace again ordered inmate to take off his underwear, Inmate Brathwaite again refused. Sgt Wallace then ordered Inmate Brathwaite to get dress that he would need to go see the area Lt about refusing to strip. Inmate Brathwaite then charged the cell door and put his arm in it so that C/O Nkowpara and Sgt Wallace could not close it. As Sgt Wallace tried to push Inmate Brathwaite's arm back into the cell Inmate Brathwaite drew back his fist and threw a punch at Sgt Wallace. Sgt Wallace then sprayed Inmate Brathwaite with pepper foam. Inmate Brathwaite then backed away from the door and it was secure. Back-up was called, when waiting for the back-up Inmate Brathwaite took something out of the pocket in his underwear and put it in his mouth and appeared to swallow it. When back-up arrived Inmate Brathwaite stated he would come out and not give anymore problems. The cell door was then opened and Sgt Phillips, David started to handcuff Inmate Brathwaite. As Sgt Phillips placed the first cuff on Inmate Brathwaite, he (Inmate) turned in an attempt to strike Sgt Phillips. Inmate Brathwaite was taken to the floor where he was handcuffed and shackled and escorted to SHU 20 and secured in a cage by Sgt Phillips and Sgt Stevenson. Lt. Yoder was notified of the incident details. Sgt Wallace then returned to Bldg 17 and completed the shakedown on Inmate Brathwaite's cell. During the shakedown of Inmate Brathwaite's cell the underwear that Inmate Brathwaite had on were checked and found to have a pocket in the front. No other contraband was found during the shakedown. The contraband was secured by Sgt Wallace and this report was completed.</p>				
Injured Persons		Hospitalized	Nature Of Injuries	
N/A		N/A	N/A	
Evidence Type: <u>01 pair of underwear, 01 razor</u>		Date Collected: <u>10/09/2004</u>		
Discovered By: <u>Robert, Wallace Sgt</u>		Secured By: <u>Robert, Wallace Sgt</u>		
Type of Force Used <input checked="" type="checkbox"/> PHYSICAL <input type="checkbox"/> CHEMICAL <input type="checkbox"/> STUN <input type="checkbox"/> OTHER <input checked="" type="checkbox"/> CAPSTUN <input type="checkbox"/> NONE				
Restraints Used : <u>handcuffs and shackles</u>				
Immediate Action Taken:				
Inmate pepper foamed, back-up called, contraband secured, area LT notified of incident and all appropriate paperwork accomplished				
Individuals Involved				
Person Code	Name	SBI#	Title	
Staff	Mathew, Stevenson	N/A	CO Corporal/Sgt. - Large Inst.	
Staff	David, Phillips	N/A	CO Corporal/Sgt. - Large Inst.	
Staff	Edwin, Nkowpara O	N/A	Correctional Officer	
Staff	Robert, Wallace J	N/A	CO Corporal/Sgt. - Large Inst.	
Inmate	Kevin, Brathwaite C	00315294	N/A	

Incident#
1016317

DCC Delaware Correctional CenterDate: 02/09/2007Smyrna Landing RoadSMYRNA DE, 19977Phone#: 302-653-9261**INCIDENT REPORT**

Group#: <u>N/A</u>	Type: <u>Inmate Involved</u>	Incident Date: <u>10/09/2004</u>	Time: <u>09:00</u>	Confidential: <u>No</u>
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Reporting Officer: <u>Wallace, Robert J (Co Corporal/Sgt. - Large Inst.)</u>	Entered By: <u>Wallace, Robert J (Co Corporal/Sgt. - Large Inst.)</u>
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Approval Information

<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Disapproved	Date: <u>10/09/2004</u>	Approved by: <u>Reynolds, Kirk (Shift Commander - Large Inst.)</u>
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Comments: Inmate was seen by medical then placed in SHU isolation.

INCIDENT#
1016318

Document 1-1
Smyrna Landing Road
SMYRNA DE, 19977
Phone#: 302-653-9261

INCIDENT REPORT

Group#: N/A Type: Inmate Involved Incident Date: 10/09/2004 Time: 09:00 Confidential: No

Facility: DCC Delaware Correctional Center

Followup Required No

Incident Location: Bldg. 17 B Tier

Location Description: Building 17 B tier

Violated Conditions: 1.02/200.201 Assault

1.06/200.203 Disorderly or Threatening Behavior

1.18/200.218 Possession of Dangerous Contraband

2.03/200.106 Creating a Health, Safety or Fire Hazard

2.05 Disrespect

2.06/200.108 Failing to Obey an Order

2.13/200.111 Possession of Non-Dangerous Contraband

Description of Incident:

On 10/9/2004 at approx 0900 Building 17 called Building 20 control and said they needed back-up in building 17 B tier. Sgt. Phillips, David and Sgt. Stevenson, Mathew responded to Building 17 B tier and found Sgt. Wallace, Robert, C/O Turner, Gregory, and C/O Nwkopara, Edwin at Cell upper 8 which is Inmate Brathwaite, Kevin 00315294. Sgt. Wallace briefed Sgt. Phillips and Sgt. Stevenson that Inmate Brathwaite was refusing to let him check his boxers for a shakedown. Sgt. Wallace explained that he was pretty sure there was a bulge in the waist band. Sgt. Wallace had used Cap-foam on Inmate Brathwaite, so Sgt. Phillips approached door and had 17 control pod open cell door at which time Sgt. Phillips called Inmate Brathwaite to door to be handcuffed. Inmate Brathwaite refused saying he wasn't being handcuffed. Finally Inmate Brathwaite came to door and Sgt. Phillips told Inmate Brathwaite to turn around which Inmate Brathwaite did however as Sgt. Phillips was handcuffing Inmate Brathwaite, Inmate Brathwaite pulled away at which time Sgt. Phillips, Sgt. Wallace, Sgt. Stevenson, C/O Turner, and C/O Nwkopara took Inmate Brathwaite to the ground and handcuffed and shackled Inmate Brathwaite. Sgt. Phillips and Sgt. Stevenson then escorted Inmate Brathwaite up to Building 20 and placed him in the cage until movement to Building 18 C Tier. Sgt. Phillips had Nurse Kira see Inmate Brathwaite and Nurse Kira poured milk on Inmate Brathwaite's face and cleared Inmate Brathwaite to be moved to 18 C tier isolation. Sgt. Phillips and Sgt. Stevenson then escorted Inmate Brathwaite to Building 18 and placed him in lower cell 3 on C tier isolation status.

Injured Persons	Hospitalized	Nature Of Injuries
N/A	N/A	N/A

Evidence Type: N/A

Date Collected: N/A

Discovered By: N/A

Secured By: N/A

Type of Force Used: ☒ PHYSICAL ☐ CHEMICAL ☐ STUN ☐ OTHER ☒ CAPSTUN ☐ NONE

Restraints Used : handcuffs and shackles per SOP.

Immediate Action Taken:

Responded to building 17, Escorted Inmate to Isolation, 404.

Individuals Involved	
Person Code	Name
Staff	David, Phillips
Staff	Mathew, Stevenson
Staff	Robert, Wallace J
Staff	Edwin, Nkwopara O
Staff	Gregory, Turner M
Inmate	Kevin, Brathwaite C
Staff	Kira, Hargan

Reporting Officer: Phillips, David (Co Corporal/Sgt. - Large Inst.) Entered By: Phillips, David (Co Corporal/Sgt. - Large Inst.)

1016319

SMYRNA LANDING ROAD
SMYRNA, DE. 19977
Phone#: 302-653-8261

INCIDENT REPORT

Group#: <u>N/A</u>	Type: <u>Inmate Involved</u>	Incident Date: <u>10/09/2004</u>	Time: <u>09:00</u>	Confidential: <u>No</u>
Facility: <u>DCC Delaware Correctional Center</u>		Followup Required: <u>No</u>		
Incident Location: <u>Bldg. 17 B Tier</u>				
Location Description: <u>cell CU8</u>				
Violated Conditions: <u>1.02/200.201 Assault</u> <u>1.06/200.203 Disorderly or Threatening Behavior</u> <u>1.18/200.218 Possession of Dangerous Contraband</u> <u>2.06/200.108 Failing to Obey an Order</u> <u>2.13/200.111 Possession of Non-Dangerous Contraband</u>				
Description of Incident: On 10/9/2004 at approx 0900 Building 17 called Building 20 control and said they needed back-up in building 17 B tier. Sgt. David Phillips and myself (Sgt. Matt Stevenson) responded to Building 17 B tier and found Sgt. Robert Wallace, C/O Greg Turner, and C/O Edwin Nkwopara at Cell upper 8 which is Inmate Kevin Brathwaite #00315294. Sgt. Wallace briefed Sgt. Phillips and Sgt. Stevenson that Inmate Brathwaite was refusing to let him check his boxers for a shakedown. Sgt. Wallace explained that he was pretty sure there was a bulge in the waist band. Sgt. Wallace had used Cap-foam on Inmate Brathwaite (which was ineffective) because I/M Brathwaite had swung on Sgt. Wallace. So Sgt. Phillips approached the door and had 17 control pod open cell door at which time Sgt. Phillips called Inmate Brathwaite to door to be handcuffed. Inmate Brathwaite refused saying he wasn't being handcuffed. Sgt. Phillips repeated the order. Finally Inmate Brathwaite came to door and Sgt. Phillips told Inmate Brathwaite to turn around which Inmate Brathwaite did. However as Sgt. Phillips was handcuffing Inmate Brathwaite, he pulled away and attempted to strike at Sgt. Phillips. Sgt. Phillips, Sgt. Wallace, Sgt. Stevenson, C/O Turner, and C/O Nkwopara took Inmate Brathwaite to the ground and handcuffed and shackled him. Sgt. Phillips and I then escorted Inmate Brathwaite up to Building 20 and placed him in the cage until he could be seen by medical. Sgt. Phillips had Nurse Kira see Inmate Brathwaite. Nurse Kira poured milk on Inmate Brathwaite's face and cleared Inmate Brathwaite to be moved to 18 C tier isolation. Sgt. Phillips and I then escorted Inmate Brathwaite to Building 18 and placed him in lower cell 3 on C tier isolation status.				
Injured Persons		Hospitalized		Nature Of Injuries
N/A		N/A		N/A
Evidence Type: <u>N/A</u>		Date Collected: <u>N/A</u>		
Discovered By: <u>N/A</u>		Secured By: <u>N/A</u>		
Type of Force Used: <input checked="" type="checkbox"/> PHYSICAL <input type="checkbox"/> CHEMICAL <input type="checkbox"/> STUN <input type="checkbox"/> OTHER <input checked="" type="checkbox"/> CAPSTUN <input type="checkbox"/> NONE				
Restraints Used: <u>cuffs & shackles per SOPs</u>				
Immediate Action Taken: <u>I/M placed in isolation on pre-hearing detention</u>				
Individuals Involved				
Person Code	Name	SBI#	Title	
Staff	Mathew, Stevenson	N/A	CO Corporal/Sgt. - Large Inst.	
Staff	David, Phillips	N/A	CO Corporal/Sgt. - Large Inst.	
Staff	Robert, Wallace J	N/A	CO Corporal/Sgt. - Large Inst.	
Staff	Edwin, Nkwopara O	N/A	Correctional Officer	
Staff	Gregory, Turner M	N/A	CO Corporal/Sgt. - Large Inst.	
Staff	Kira, Hargan	N/A	Contractors - Medical	
Inmate	Kevin, Brathwaite C	00315294	N/A	
Reporting Officer: <u>Stevenson, Mathew (Co Corporal/Sgt. - Large Inst.)</u>				
Entered By: <u>Stevenson, Mathew (Co Corporal/Sgt. - Large Inst.)</u>				

1016322

Smyrna Landing Road
SMYRNA DE. 19977
Phone#: 302-653-9261

INCIDENT REPORT

Group#: N/A Type: Inmate Involved Incident Date: 10/09/2004 Time: 09:00 Confidential: No

Facility: DCC Delaware Correctional CenterFollowup Required NoIncident Location: Bldg. 17 B TierLocation Description: Bldg. 17 B Tier Upper 8Violated Conditions: 200.110 Possession of Unauthorized Clothing1.02/200.201 Assault1.06/200.203 Disorderly or Threatening Behavior1.18/200.218 Possession of Dangerous Contraband2.03/200.106 Creating a Health, Safety or Fire Hazard2.06/200.108 Failing to Obey an Order2.13/200.111 Possession of Non-Dangerous Contraband**Description of Incident:**

On Saturday October 09, 2004 at approximately 0900 a.m while C/O Nkwopara, Edwin and Sgt Wallace Robert were conducting normal Saturday shakedown in B Tier Upper 8, Sgt Wallace asked Inmate Brathwaite, Kevin #00315294 to remove his cloth for shakedown. Inmate Brathwaite took off his shirt and shorts and refused to remove his underwear. Sgt Wallace gave Inmate Brathwaite another direct order to remove his underwear for shakedown he still refused. Sgt Wallace instructed Inmate Brathwaite to put on his cloth so that he can see the area Lt. Inmate Brathwaite came towards Sgt Wallace and throw a punch at Sgt Wallace and blocked the door from being closed with his arm. Sgt Wallace then sprayed Inmate Brathwaite with pepper foam. Inmate Brathwaite then moved back into the cell and the door was secured. Back up arrived and Inmate Brathwaite was stating that he would come out. Sgt Philip started to handcuff inmate Brathwaite and he turned as to punch Sgt Phillips. At this time Sgt Wallace, Sgt Phillips, Sgt Stevenson, C/O Turner, and C/O Nkwopara took Inmate Brathwaite to the ground. Inmate Brathwaite continued resisting to be cuffed until he was subdued by staff. Inmate Brathwaite was cuffed, shackled and taken to Bldg #20.

Injured Persons	Hospitalized	Nature Of Injuries
N/A	N/A	N/A

Evidence Type: N/ADate Collected: N/ADiscovered By: N/ASecured By: N/AType of Force Used: ☐ PHYSICAL ☐ CHEMICAL ☐ STUN ☐ OTHER ☒ CAPSTUN ☐ NONERestraints Used : Inmate cuffed and shackled.**Immediate Action Taken:**Inmate cuffed ,shackled and taken Bldg #20, accomplished 404**Individuals Involved**

Person Code	Name	SBI#	Title
Staff	Edwin, Nkwopara O	N/A	Correctional Officer
Staff	Robert, Wallace J	N/A	CO Corporal/Sgt. - Large Inst.
Staff	David, Phillips	N/A	CO Corporal/Sgt. - Large Inst.
Staff	Mathew, Stevenson	N/A	CO Corporal/Sgt. - Large Inst.
Staff	Gregory, Turner M	N/A	CO Corporal/Sgt. - Large Inst.
Inmate	Kevin, Brathwaite C	00315294	N/A

Reporting Officer: Nkwopara, Edwin O (Correctional Officer)Entered By: Nkwopara, Edwin O (Correctional Officer)**Approval Information**

☒ Approved ☐ Disapproved Date: 10/09/2004 Approved by: Reynolds, Kirk (Shift Commander - Large Inst.)

Comments: N/A